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## SENATE BILL No. 210

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 27-8-5-26; IC 27-13-7-14.

**Synopsis:** Post mastectomy coverage. Requires an accident and sickness insurer and a health maintenance organization to provide notice of post-mastectomy coverage. Removes a provision limiting coverage for certain post-mastectomy care.

**Effective:** July 1, 2003.

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January 9, 2003, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 210

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 27-8-5-26, AS AMENDED BY P.L.96-2002,  
2       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2003]: Sec. 26. ~~(a) This section applies to a policy of accident~~  
4       ~~and sickness insurance issued after June 30, 1997.~~

5       ~~(b) This section applies to a mastectomy performed after June 30,~~  
6       ~~1997.~~

7       ~~(c)~~ **(a)** As used in this section, "mastectomy" means the removal of  
8       all or part of the breast for reasons that are determined by a licensed  
9       physician to be medically necessary.

10       ~~(d)~~ **(b)** A policy of accident and sickness insurance that provides  
11       coverage for a mastectomy may not be issued, amended, delivered, or  
12       renewed in Indiana unless the policy provides coverage for:

13               (1) prosthetic devices; and

14               (2) reconstructive surgery incident to a mastectomy including:

15                       (A) all stages of reconstruction of the breast on which the  
16                       mastectomy has been performed; and

17                       (B) surgery and reconstruction of the other breast to produce



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1 symmetry;  
 2 in the manner determined by the attending physician and the  
 3 patient to be appropriate.

4 ~~(e)~~ (c) Coverage for prosthetic devices or reconstructive surgery  
 5 under this section is subject to:

6 (1) the deductible and coinsurance provisions applicable to a  
 7 mastectomy; and

8 (2) all other terms and conditions applicable to other benefits.

9 ~~(f) Notwithstanding the provisions of this section, if a mastectomy~~  
 10 ~~is performed and there is no evidence of malignancy, coverage required~~  
 11 ~~under this section may be limited to the provision of prosthetic devices~~  
 12 ~~and reconstructive surgery for two (2) years following the surgery.~~

13 **(d) An insurer that issues a policy of accident and sickness**  
 14 **insurance shall provide to an insured, at the time the policy is**  
 15 **issued and annually thereafter, written notice of the coverage**  
 16 **required under this section.**

17 ~~(g)~~ (e) The coverage required under this section applies to a policy  
 18 of accident and sickness insurance that provides coverage for a  
 19 mastectomy, regardless of whether an individual who:

20 (1) underwent a mastectomy; and

21 (2) is covered under the policy;

22 was covered under the policy at the time of the mastectomy.

23 SECTION 2. IC 27-13-7-14, AS AMENDED BY P.L.96-2002,  
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2003]: Sec. 14. ~~(a) This section applies to a contract with A~~  
 26 ~~health maintenance organization (as defined in IC 27-13-1-19) issued~~  
 27 ~~after June 30, 1997.~~

28 ~~(b) This section applies to a mastectomy performed after June 30,~~  
 29 ~~1997.~~

30 ~~(c)~~ (a) As used in this section, "mastectomy" means the removal of  
 31 all or part of the breast for reasons that are determined by a licensed  
 32 physician to be medically necessary.

33 ~~(d)~~ (b) A contract with a health maintenance organization that  
 34 provides coverage for a mastectomy must provide coverage for:

35 (1) prosthetic devices; and

36 (2) reconstructive surgery incident to a mastectomy including:

37 (A) all stages of reconstruction of the breast on which the  
 38 mastectomy has been performed; and

39 (B) surgery and reconstruction of the other breast to produce  
 40 symmetry;

41 in the manner determined by the attending physician and the  
 42 patient to be appropriate.

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1        ~~(e)~~ (c) Coverage for prosthetic devices and reconstructive surgery  
 2 under this section is subject to:

3            (1) the deductible and coinsurance provisions applicable to a  
 4 mastectomy; and

5            (2) all other terms and conditions applicable to other services  
 6 under the contract.

7        ~~(f) Notwithstanding the provisions of this section, if a mastectomy~~  
 8 ~~is performed and there is no evidence of malignancy, coverage required~~  
 9 ~~under this section may be limited to the provision of prosthetic devices~~  
 10 ~~and reconstructive surgery for two (2) years following the surgery.~~

11        (d) A health maintenance organization shall provide to an  
 12 enrollee, at the time that an individual contract or a group contract  
 13 is entered into and annually thereafter, written notice of the  
 14 coverage required under this section.

15        ~~(g)~~ (e) The coverage required under this section applies to a contract  
 16 with a health maintenance organization that provides coverage for a  
 17 mastectomy, regardless of whether an individual who:

18            (1) underwent a mastectomy; and

19            (2) is covered under the contract;

20 was covered under the contract at the time of the mastectomy.

21        SECTION 3. [EFFECTIVE JULY 1, 2003] (a) IC 27-8-5-26, as  
 22 amended by this act, applies to a policy of accident and sickness  
 23 insurance that is issued, delivered, amended, or renewed after June  
 24 30, 2003.

25        (b) IC 27-13-7-14, as amended by this act, applies to an  
 26 individual contract or a group contract that is entered into,  
 27 delivered, amended, or renewed after June 30, 2003.

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